

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.) Criminal No. 07-10380-PBS
JOSHUA RICHARD,)
JASON WAYLEIN,)
JOSEPH WEEDEN and)
JOHN MCNUTT,)
Defendants.)

ORDER OF FORFEITURE (MONEY JUDGMENT)

SARIS, D.J.,

WHEREAS, on November 15, 2007, a federal grand jury sitting in the District of Massachusetts returned a thirteen-count Indictment charging defendant Joshua Richard (the "Defendant"), among others, with the following violations: Conspiracy to Distribute Oxycodone, in violation of 21 U.S.C. § 846 (Count One), Possession of Oxycodone with Intent to Distribute and Distribution of Oxycodone, in violation of 21 U.S.C. § 841(a)(1) (Counts Two through Eight), Conspiracy to Possess a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 371 (Count Nine), Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1) (Count Ten), and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) (Counts Eleven through Twelve);

WHEREAS, the Indictment also contained a forfeiture allegation pursuant to 21 U.S.C. § 853 and 881(a)(4) which sought the forfeiture upon conviction of the Defendant of one or more of

the offenses alleged in Counts One through Eight of the Indictment, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of the offenses; and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses, including, without limitation:

- (a) \$27,000 in United States currency;
- (b) a Black Infiniti QX4 SUV, VIN JNRDR09Y41W212043; and
- (c) a Ford F-150 truck, VIN 2FTZX17261CA46152;

WHEREAS, the Indictment further provided that, if any of the forfeitable property, as a result of any act or omission of any defendant (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be subdivided without difficulty, it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the Defendants up to the value of such property;

WHEREAS, on October 30, 2008, the Defendant pled guilty to Counts One through Twelve of the Indictment;

WHEREAS, the the amount of \$27,000.00 in United States currency constitutes or was derived from proceeds the Defendant

obtained, directly or indirectly, as a result of violations of 21 U.S.C. §§ 846 and 841(a)(1);

WHEREAS, the United States has filed a Motion for Order of Forfeiture which would consist of a personal money judgment against the Defendant in the amount of \$27,000.00 in United States currency; and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment."

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. The Defendant shall forfeit to the United States the sum of \$27,000.00 in United States currency, pursuant to 21 U.S.C. § 853.

2. This Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

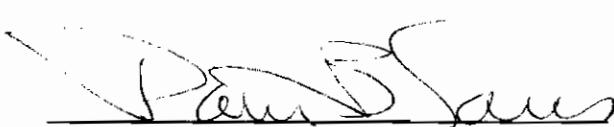
3. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order to substitute property having a value not to exceed the amount set forth in Paragraph 1 to satisfy the money judgment in whole or in part.

4. Pursuant to Rule 32.2(b)(3), this Order shall be included in the sentence pronounced and imposed by the Court at the sentencing hearing, and in the criminal judgment entered by this Court, against the Defendant.

Case 1:07-cr-10380-PBS Document 77-2 Filed 01/21/2009 Page 4 of 4

DONE AND ORDERED in Boston, Massachusetts, this 9 day of

January, 2009.


PATTI B. SARIS
United States District Judge